

AMENDED IN SENATE JUNE 15, 2014

AMENDED IN ASSEMBLY APRIL 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1732

Introduced by Assembly Member Stone

February 14, 2014

An act to amend Sections 11713, 11713.1, and 11713.16 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1732, as amended, Stone. Vehicles: manufacturers, distributors, and dealers.

Existing law generally requires a manufacturer, manufacturer branch, remanufacturer, remanufacturer branch, distributor, distributor branch, transporter, or dealer of vehicles to be licensed by the Department of Motor Vehicles. Existing law prohibits these licensees ~~from engaging in certain practices, including, from, among other things,~~ failing to, within 48 hours, withdraw in writing an advertisement of a vehicle that has been sold or withdrawn from sale and advertising or representing a vehicle as a new vehicle if the vehicle is a used vehicle. Existing law makes it a crime to violate these provisions.

This bill would ~~additionally~~ *remove the requirement that the withdrawal of the advertisement be in writing, provide that the advertisement withdrawal requirement apply to authorized advertisements, and provide an exception to withdrawal if the advertisement includes an expiration date that occurs less than 48 hours after the sale or withdrawal from sale, or the print advertisement is amended to conspicuously denote that the vehicle has been sold. The*

bill would prohibit a licensee from advertising a vehicle's prior use or ownership history in an inaccurate manner. By expanding the scope of a crime, the bill would impose a state-mandated local program.

Existing law makes it a violation for the holder of a dealer's license to, among other things, use "rebate" or similar words in advertising the sale of a vehicle unless the rebate is expressed in a specified dollar amount and is in fact a rebate offered by the vehicle manufacturer or distributor. Existing law also makes it a violation to advertise as the total sales price of a vehicle an amount that includes a deduction from a rebate, except as specified.

This bill would additionally authorize the use of "rebate" if the rebate meets the requirements described above and is offered by a finance company affiliated with a vehicle manufacturer or distributor, a regulated utility, or a ~~government~~ *governmental* entity. The bill would also prohibit a dealer from advertising a rebate reduction that conflicts with another advertised rebate deduction. By expanding the scope of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11713 of the Vehicle Code is amended
2 to read:
3 11713. A holder of a license issued under this article shall not
4 do any of the following:
5 (a) Make or disseminate, or cause to be made or disseminated,
6 before the public in this state, in a newspaper or other publication,
7 or an advertising device, or by public outcry or proclamation, or
8 in any other manner or means whatever, a statement that is untrue
9 or misleading and that is known, or that by the exercise of
10 reasonable care should be known, to be untrue or misleading; or
11 to so make or disseminate, or cause to be so disseminated, a
12 statement as part of a plan or scheme with the intent not to sell a

1 vehicle or service so advertised at the price stated therein, or as so
2 advertised.

3 (b) (1) (A) Advertise or offer for sale or exchange in any
4 manner, a vehicle not actually for sale at the premises of the dealer
5 or available to the dealer directly from the manufacturer or
6 distributor of the vehicle at the time of the advertisement or offer.
7 However, a dealer who has been issued an autobroker's
8 endorsement to his or her dealer's license may advertise his or her
9 service of arranging or negotiating the purchase of a new motor
10 vehicle from a franchised new motor vehicle dealer and may
11 specify the line-makes and models of those new vehicles.
12 Autobrokering service advertisements may not advertise the price
13 or payment terms of a vehicle and shall disclose that the advertiser
14 is an autobroker or auto buying service, and shall clearly and
15 conspicuously state the following: "All new cars arranged for sale
16 are subject to price and availability from the selling franchised
17 new car dealer."

18 (B) As to printed advertisements, the disclosure statement
19 required by subparagraph (A) shall be printed in not less than
20 10-point bold type size and shall be textually segregated from the
21 other portions of the printed advertisement.

22 (2) Notwithstanding subparagraph (A), classified advertisements
23 for autobrokering services that measure two column inches or less
24 are exempt from the disclosure statement in subparagraph (A)
25 pertaining to price and availability.

26 (3) Radio advertisements of a duration of less than 11 seconds
27 that do not reference specific line-makes or models of motor
28 vehicles are exempt from the disclosure statement required in
29 subparagraph (A).

30 (c) Fail, within 48 hours, to withdraw ~~in writing~~ an *authorized*
31 advertisement of a vehicle that has been sold or withdrawn from
32 ~~sale~~; *sale, unless the advertisement includes an expiration date*
33 *that occurs less than 48 hours after the sale or withdrawal from*
34 *sale, or the print advertisement is amended to conspicuously denote*
35 *that the vehicle has been sold.*

36 (d) Advertise or represent a vehicle as a new vehicle if the
37 vehicle is a used vehicle.

38 (e) Engage in the business for which the licensee is licensed
39 without having in force and effect a bond as required by this article.

1 (f) Engage in the business for which the dealer is licensed
2 without at all times maintaining an established place of business
3 as required by this code.

4 (g) Include, as an added cost to the selling price of a vehicle,
5 an amount for licensing or transfer of title of the vehicle, which is
6 not due to the state unless, prior to the sale, that amount has been
7 paid by a dealer to the state in order to avoid penalties that would
8 have accrued because of late payment of the fees. However, a
9 dealer may collect from the second purchaser of a vehicle a
10 prorated fee based upon the number of months remaining in the
11 registration year for that vehicle, if the vehicle had been previously
12 sold by the dealer and the sale was subsequently rescinded and all
13 the fees that were paid, as required by this code and Chapter 2
14 (commencing with Section 10751) of Part 5 of Division 2 of the
15 Revenue and Taxation Code, were returned to the first purchaser
16 of the vehicle.

17 (h) Employ a person as a salesperson who has not been licensed
18 pursuant to Article 2 (commencing with Section 11800), and whose
19 license is not displayed on the premises of the dealer as required
20 by Section 11812, or willfully fail to notify the department by mail
21 within 10 days of the employment or termination of employment
22 of a salesperson.

23 (i) Deliver, following the sale, a vehicle for operation on
24 California highways, if the vehicle does not meet all of the
25 equipment requirements of Division 12 (commencing with Section
26 24000). This subdivision does not apply to the sale of a leased
27 vehicle to the lessee if the lessee is in possession of the vehicle
28 immediately prior to the time of the sale and the vehicle is
29 registered in this state.

30 (j) Use, or permit the use of, the special plates assigned to him
31 or her for any purpose other than as permitted by Section 11715.

32 (k) Advertise or otherwise represent, or knowingly allow to be
33 advertised or represented on behalf of, or at the place of business
34 of, the licenseholder that no downpayment is required in connection
35 with the sale of a vehicle when a downpayment is in fact required
36 and the buyer is advised or induced to finance the downpayment
37 by a loan in addition to any other loan financing the remainder of
38 the purchase price of the vehicle. The terms “no downpayment,”
39 “zero down delivers,” or similar terms shall not be advertised

1 unless the vehicle will be sold to a qualified purchaser without a
2 prior payment of any kind or trade-in.

3 (l) Participate in the sale of a vehicle required to be reported to
4 the Department of Motor Vehicles under Section 5900 or 5901
5 without making the return and payment of the full sales tax due
6 and required by Section 6451 of the Revenue and Taxation Code.

7 (m) Permit the use of the dealer's license, supplies, or books by
8 any other person for the purpose of permitting that person to engage
9 in the purchase or sale of vehicles required to be registered under
10 this code, or permit the use of the dealer's license, supplies, or
11 books to operate a branch location to be used by any other person,
12 whether or not the licensee has any financial or equitable interest
13 or investment in the vehicles purchased or sold by, or the business
14 of, or branch location used by, the other person.

15 (n) Violate any provision of Article 10 (commencing with
16 Section 28050) of Chapter 5 of Division 12.

17 (o) Sell a previously unregistered vehicle without disclosing in
18 writing to the purchaser the date on which a manufacturer's or
19 distributor's warranty commenced.

20 (p) Accept a purchase deposit relative to the sale of a vehicle,
21 unless the vehicle is present at the premises of the dealer or
22 available to the dealer directly from the manufacturer or distributor
23 of the vehicle at the time the dealer accepts the deposit. Purchase
24 deposits accepted by an autobroker when brokering a retail sale
25 shall be governed by Sections 11736 and 11737.

26 (q) Consign for sale to another dealer a new vehicle.

27 (r) Display a vehicle for sale at a location other than an
28 established place of business authorized by the department for that
29 dealer or display a new motor vehicle at the business premises of
30 another dealer registered as an autobroker. This subdivision does
31 not apply to the display of a vehicle pursuant to subdivision (b) of
32 Section 11709 or the demonstration of the qualities of a motor
33 vehicle by way of a test drive.

34 (s) Use a picture in connection with an advertisement of the
35 price of a specific vehicle or class of vehicles, unless the picture
36 is of the year, make, and model being offered for sale. The picture
37 shall not depict a vehicle with optional equipment or a design not
38 actually offered at the advertised price.

39 (t) Advertise for sale a vehicle that was used by the selling
40 licensee in its business as a demonstrator, executive vehicle, service

1 vehicle, rental, loaner, or lease vehicle, unless the advertisement
2 clearly and conspicuously discloses the previous use made by that
3 licensee of the vehicle. An advertisement shall not describe any
4 of those vehicles as “new.”

5 (u) Advertise the prior use or ownership history of a vehicle in
6 an inaccurate manner.

7 SEC. 2. Section 11713.1 of the Vehicle Code is amended to
8 read:

9 11713.1. It is a violation of this code for the holder of a dealer’s
10 license issued under this article to do any of the following:

11 (a) Advertise a specific vehicle for sale without identifying the
12 vehicle by its model, model-year, and either its license number or
13 that portion of the vehicle identification number that distinguishes
14 the vehicle from all other vehicles of the same make, model, and
15 model-year. Model-year is not required to be advertised for current
16 model-year vehicles. Year models are no longer current when
17 ensuing year models are available for purchase at retail in
18 California. An advertisement that offers for sale a class of new
19 vehicles in a dealer’s inventory, consisting of five or more vehicles,
20 that are all of the same make, model, and model-year is not required
21 to include in the advertisement the vehicle identification numbers
22 or license numbers of those vehicles.

23 (b) Advertise the total price of a vehicle without including all
24 costs to the purchaser at time of sale, except taxes, vehicle
25 registration fees, the California tire fee, as defined in Section 42885
26 of the Public Resources Code, emission testing charges not
27 exceeding fifty dollars (\$50), actual fees charged for certificates
28 pursuant to Section 44060 of the Health and Safety Code, finance
29 charges, and any dealer document processing charge or charge to
30 electronically register or transfer the vehicle.

31 (c) (1) Exclude from an advertisement of a vehicle for sale that
32 there will be added to the advertised total price at the time of sale,
33 charges for sales tax, vehicle registration fees, the California tire
34 fee, the fee charged by the state for the issuance of a certificate of
35 compliance or noncompliance pursuant to a statute, finance
36 charges, a charge to electronically register or transfer the vehicle,
37 and a dealer document processing charge.

38 (2) The obligations imposed by paragraph (1) are satisfied by
39 adding to the advertisement a statement containing no abbreviations
40 and that is worded in substantially the following form: “Plus

1 government fees and taxes, any finance charges, any dealer
2 document processing charge, any electronic filing charge, and any
3 emission testing charge.”

4 (3) For purposes of paragraph (1), “advertisement” means an
5 advertisement in a newspaper, magazine, or direct mail publication
6 that is two or more columns in width or one column in width and
7 more than seven inches in length, or on a Web page of a dealer’s
8 Internet Web site that displays the price of a vehicle offered for
9 sale on the Internet, as that term is defined in paragraph (6) of
10 subdivision (f) of Section 17538 of the Business and Professions
11 Code.

12 (d) Represent the dealer document processing charge, electronic
13 registration or transfer charge, or emission testing charge, as a
14 governmental fee.

15 (e) Fail to sell a vehicle to a person at the advertised total price,
16 exclusive of taxes, vehicle registration fees, the California tire fee,
17 the fee charged by the state for the issuance of a certificate of
18 compliance or noncompliance pursuant to a statute, finance
19 charges, mobilehome escrow fees, the amount of a city, county,
20 or city and county imposed fee or tax for a mobilehome, a dealer
21 document processing charge, an electronic registration or transfer
22 charge, and a charge for emission testing not to exceed fifty dollars
23 (\$50) plus the actual fees charged for certificates pursuant to
24 Section 44060 of the Health and Safety Code, while the vehicle
25 remains unsold, unless the advertisement states the advertised total
26 price is good only for a specified time and the time has elapsed.
27 Advertised vehicles shall be sold at or below the advertised total
28 price, with statutorily permitted exclusions, regardless of whether
29 the purchaser has knowledge of the advertised total price.

30 (f) (1) Advertise for sale, sell, or purchase for resale a new
31 vehicle of a line-make for which the dealer does not hold a
32 franchise.

33 (2) This subdivision does not apply to a transaction involving
34 the following:

35 (A) A mobilehome.

36 (B) A recreational vehicle as defined in Section 18010 of the
37 Health and Safety Code.

38 (C) A commercial coach, as defined in Section 18001.8 of the
39 Health and Safety Code.

1 (D) An off-highway motor vehicle subject to identification as
2 defined in Section 38012.

3 (E) A manufactured home.

4 (F) A new vehicle that will be substantially altered or modified
5 by a converter prior to resale.

6 (G) A commercial vehicle with a gross vehicle weight rating of
7 more than 10,000 pounds.

8 (H) A vehicle purchased for export and exported outside the
9 territorial limits of the United States without being registered with
10 the department.

11 (I) A vehicle acquired in the ordinary course of business as a
12 new vehicle by a dealer franchised to sell that vehicle, if all of the
13 following apply:

14 (i) The manufacturer or distributor of the vehicle files a
15 bankruptcy petition.

16 (ii) The franchise agreement of the dealer is terminated,
17 canceled, or rejected by the manufacturer or distributor as part of
18 the bankruptcy proceedings and the termination, cancellation, or
19 rejection is not a result of the revocation by the department of the
20 dealer's license or the dealer's conviction of a crime.

21 (iii) The vehicle is held in the inventory of the dealer on the
22 date the bankruptcy petition is filed.

23 (iv) The vehicle is sold by the dealer within six months of the
24 date the bankruptcy petition is filed.

25 (3) Subparagraph (I) of paragraph (2) does not entitle a dealer
26 whose franchise agreement has been terminated, canceled, or
27 rejected to continue to perform warranty service repairs or continue
28 to be eligible to offer or receive consumer or dealer incentives
29 offered by the manufacturer or distributor.

30 (g) Sell a park trailer, as specified in Section 18009.3 of the
31 Health and Safety Code, without disclosing in writing to the
32 purchaser that a park trailer is required to be moved by a transporter
33 or a licensed manufacturer or dealer under a permit issued by the
34 Department of Transportation or a local authority with respect to
35 highways under their respective jurisdictions.

36 (h) Advertise free merchandise, gifts, or services provided by
37 a dealer contingent on the purchase of a vehicle. "Free" includes
38 merchandise or services offered for sale at a price less than the
39 seller's cost of the merchandise or services.

1 (i) (1) Advertise vehicles, and related goods or services, at a
2 specified dealer price, with the intent not to supply reasonably
3 expectable demand, unless the advertisement discloses the number
4 of vehicles in stock at the advertised price. In addition, whether
5 or not there are sufficient vehicles in stock to supply a reasonably
6 expectable demand, when phrases such as “starting at,” “from,”
7 “beginning as low as,” or words of similar import are used in
8 reference to an advertised price, the advertisement shall disclose
9 the number of vehicles available at that advertised price.

10 (2) For purposes of this subdivision, in a newspaper
11 advertisement for a vehicle that is two model-years old or newer,
12 the actual phrase that states the number of vehicles in stock at the
13 advertised price shall be printed in a type size that is at least equal
14 to one-quarter of the type size, and in the same style and color of
15 type, used for the advertised price. However, in no case shall the
16 phrase be printed in less than 8-point type size, and the phrase
17 shall be disclosed immediately above, below, or beside the
18 advertised price without intervening words, pictures, marks, or
19 symbols.

20 (3) The disclosure required by this subdivision is in addition to
21 any other disclosure required by this code or any regulation
22 regarding identifying vehicles advertised for sale.

23 (j) Use “rebate” or similar words, including, but not limited to,
24 “cash back,” in advertising the sale of a vehicle unless the rebate
25 is expressed in a specific dollar amount and is in fact a rebate
26 offered by the vehicle manufacturer or distributor, a finance
27 company affiliated with a vehicle manufacturer or distributor, a
28 regulated utility, or a ~~government~~ *governmental* entity directly to
29 the retail purchaser of the vehicle or to the assignee of the retail
30 purchaser.

31 (k) Require a person to pay a higher price for a vehicle and
32 related goods or services for receiving advertised credit terms than
33 the cash price the same person would have to pay to purchase the
34 same vehicle and related goods or services. For the purpose of this
35 subdivision, “cash price” has the *same* meaning as defined in
36 subdivision (e) of Section 2981 of the Civil Code.

37 (l) Advertise a guaranteed trade-in allowance.

38 (m) Misrepresent the authority of a salesperson, representative,
39 or agent to negotiate the final terms of a transaction.

(n) (1) Use “invoice,” “dealer’s invoice,” “wholesale price,” or similar terms that refer to a dealer’s cost for a vehicle in an advertisement for the sale of a vehicle or advertise that the selling price of a vehicle is above, below, or at either of the following:

(A) The manufacturer’s or distributor’s invoice price to a dealer.

(B) A dealer’s cost.

(2) This subdivision does not apply to either of the following:

(A) A communication occurring during face-to-face negotiations for the purchase of a specific vehicle if the prospective purchaser initiates a discussion of the vehicle’s invoice price or the dealer’s cost for that vehicle.

(B) A communication between a dealer and a prospective commercial purchaser that is not disseminated to the general public. For purposes of this subparagraph, a “commercial purchaser” means a dealer, lessor, lessor-retailer, manufacturer, remanufacturer, distributor, financial institution, governmental entity, or person who purchases 10 or more vehicles during a year.

(o) Violate a law prohibiting bait and switch advertising, including, but not limited to, the guides against bait advertising set forth in Part 238 (commencing with Section 238) of Title 16 of the Code of Federal Regulations, as those regulations read on January 1, 1988.

(p) Make an untrue or misleading statement indicating that a vehicle is equipped with all the factory-installed optional equipment the manufacturer offers, including, but not limited to, a false statement that a vehicle is “fully factory equipped.”

(q) Affix on a new vehicle a supplemental price sticker containing a price that represents the dealer’s asking price that exceeds the manufacturer’s suggested retail price unless all of the following occur:

(1) The supplemental sticker clearly and conspicuously discloses in the largest print appearing on the sticker, other than the print size used for the dealer’s name, that the supplemental sticker price is the dealer’s asking price, or words of similar import, and that it is not the manufacturer’s suggested retail price.

(2) The supplemental sticker clearly and conspicuously discloses the manufacturer’s suggested retail price.

(3) The supplemental sticker lists each item that is not included in the manufacturer’s suggested retail price, and discloses the additional price of each item. If the supplemental sticker price is

1 greater than the sum of the manufacturer's suggested retail price
2 and the price of the items added by the dealer, the supplemental
3 sticker price shall set forth that difference and describe it as "added
4 mark-up."

5 (r) Advertise an underselling claim, including, but not limited
6 to, "we have the lowest prices" or "we will beat any dealer's price,"
7 unless the dealer has conducted a recent survey showing that the
8 dealer sells its vehicles at lower prices than another licensee in its
9 trade area and maintains records to adequately substantiate the
10 claims. The substantiating records shall be made available to the
11 department upon request.

12 (s) (1) Advertise an incentive offered by the manufacturer or
13 distributor if the dealer is required to contribute to the cost of the
14 incentive as a condition of participating in the incentive program,
15 unless the dealer discloses in a clear and conspicuous manner that
16 dealer participation may affect consumer cost.

17 (2) For purposes of this subdivision, "incentive" means anything
18 of value offered to induce people to purchase a vehicle, including,
19 but not limited to, discounts, savings claims, rebates, below-market
20 finance rates, and free merchandise or services.

21 (t) Display or offer for sale a used vehicle unless there is affixed
22 to the vehicle the Federal Trade Commission's Buyer's Guide as
23 required by Part 455 of Title 16 of the Code of Federal Regulations.

24 (u) Fail to disclose in writing to the franchisor of a new motor
25 vehicle dealer the name of the purchaser, date of sale, and the
26 vehicle identification number of each new motor vehicle sold of
27 the line-make of that franchisor, or intentionally submit to that
28 franchisor a false name for the purchaser or false date for the date
29 of sale.

30 (v) Enter into a contract for the retail sale of a motor vehicle
31 unless the contract clearly and conspicuously discloses whether
32 the vehicle is being sold as a new vehicle or a used vehicle, as
33 defined in this code.

34 (w) Use a simulated check, as defined in subdivision (a) of
35 Section 22433 of the Business and Professions Code, in an
36 advertisement for the sale or lease of a vehicle.

37 (x) Fail to disclose, in a clear and conspicuous manner in at
38 least 10-point boldface type on the face of a contract for the retail
39 sale of a new motor vehicle that this transaction is, or is not, subject

1 to a fee received by an autobroker from the selling new motor
2 vehicle dealer, and the name of the autobroker, if applicable.

3 (y) Sell or lease a new motor vehicle after October 1, 2012,
4 unless the dealer has a contractual agreement with the department
5 to be a private industry partner pursuant to Section 1685. This
6 subdivision does not apply to the sale or lease of a motorcycle or
7 off-highway motor vehicle subject to identification under Section
8 38010 or a recreational vehicle as defined in Section 18010 of the
9 Health and Safety Code.

10 (z) As used in this section, “make” and “model” have the same
11 meaning as is provided in Section 565.12 of Title 49 of the Code
12 of Federal Regulations.

13 SEC. 3. Section 11713.16 of the Vehicle Code is amended to
14 read:

15 11713.16. It is a violation of this code for the holder of any
16 dealer’s license issued under this article to do any of the following:

17 (a) Advertise any used vehicle of the current or prior model-year
18 without expressly disclosing the vehicle as “used,” “previously
19 owned,” or a similar term that indicates that the vehicle is used,
20 as defined in this code.

21 (b) Use the terms “on approved credit” or “on credit approval”
22 in an advertisement for the sale of a vehicle unless those terms are
23 clearly and conspicuously disclosed and unabbreviated.

24 (c) Advertise an amount described by terms such as “unpaid
25 balance” or “balance can be financed” unless the total sale price
26 is clearly and conspicuously disclosed and in close proximity to
27 the advertised balance.

28 (d) Advertise credit terms that fail to comply with the disclosure
29 requirements of Section 226.24 of Title 12 of the Code of Federal
30 Regulations. Advertisements of terms that include escalated
31 payments, balloon payments, or deferred downpayments shall
32 clearly and conspicuously identify those payments as to amounts
33 and time due.

34 (e) Advertise as the total sales price of a vehicle an amount that
35 includes a deduction for a rebate. However, a dealer may advertise
36 a separate amount that includes a deduction for a rebate provided
37 that the advertisement clearly and conspicuously discloses, in close
38 proximity to the amount advertised, the price of the vehicle before
39 the rebate deduction and the amount of the rebate, each so

1 identified. A dealer may not advertise a rebate deduction that
2 conflicts with another advertised rebate deduction.

3 (f) Advertise claims such as “everyone financed,” “no credit
4 rejected,” or similar claims unless the dealer is willing to extend
5 credit to any person under any and all circumstances.

6 (g) Advertise the amount of any downpayment unless it
7 represents the total payment required of a purchaser prior to
8 delivery of the vehicle, including any payment for sales tax or
9 license. Statements such as “\$_____ delivers,” “\$_____ puts you
10 in a new car” are examples of advertised downpayments.

11 (h) Advertise the price of a new vehicle or class of new vehicles
12 unless the vehicle or vehicles have all of the equipment listed as
13 standard by the manufacturer or distributor or the dealer has
14 replaced the standard equipment with equipment of higher value.

15 (i) Fail to clearly and conspicuously disclose in an advertisement
16 for the sale of a vehicle any disclosure required by this code or
17 any qualifying term used in conjunction with advertised credit
18 terms. Unless otherwise provided by statute, the specific size of
19 disclosures or qualifying terms is not prescribed.

20 SEC. 4. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.